

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**MAY 19, 2003**

**JOHN DEERE WATERLOO WORKS PLANT**  
**WATERLOO, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, May 19, 2003, at the John Deere Waterloo Works Plant, Waterloo, Iowa.

### MEMBERS PRESENT

Lisa Davis Cook – arrived at approx. 10:10  
Darrell Hanson – arrived at approx. 10:10  
Kathryn Murphy, Chair  
Heidi Vittetoe  
Francis Thicke  
Terrance Townsend  
Donna Buell

### MEMBERS ABSENT

Lori Glanzman  
Jerry Peckumn

### OATH OF OFFICE

Deputy Director Liz Christiansen conducted the oath of office for newly appointed Commissioners Donna Buell, Francis Thicke and Heidi Vittetoe.

### APPROVAL OF AGENDA

*Motion was made by Terry Townsend to approve the agenda as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Liz Christiansen mentioned that Director Vonk is unable to attend today due to a speaking engagement at the University of Northern Iowa.

**FINAL RULE: CHAPTER 22, “CONTROLLING POLLUTION” (REVISION OF ANNUAL TITLE V OPERATING PERMIT FEE CAP)**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve an amendment to Chapter 22, “Controlling Pollution”, 567 Iowa Administrative Code, to increase the maximum dollar per ton fee (a.k.a. “fee cap”) specified in subrule 22.106(1) from \$29 per ton to \$39 per ton.

The maximum fee that the Environmental Protection Commission was allowed (by rule) to charge annually on the first 4,000 tons of actual emissions of each pollutant, from sources subject to Title V permitting, was \$29 per ton. Budget projections and estimates of actual emissions indicated that this annual fee would have to be increased to maintain the current level of service with increases in staff salaries due to negotiated contract increases. The annual fee for state fiscal year 2003 is \$29 per ton, which is at the maximum cap level. Therefore, the Commission was asked to raise the fee level cap to \$39 per ton to allow for possible increases in annual fee levels for at least the next three state fiscal years.

Subrule 22.106(1) requires that the Environmental Protection Commission set the annual fee for the coming fiscal year no later than the May Commission meeting. For the fee cap rule change to become effective prior to the May Commission meeting, the Commission approved an Adopted and Filed Without Notice amendment at the February 17, 2003 Commission meeting. The \$39 per ton fee cap became effective on April 23, 2003.

A Notice of Intended Action was approved simultaneously by the Commission with the Adopted and Filed Without Notice amendment at the February 17, 2003 Commission meeting, to allow for public comment. No oral or written public comments were submitted during the public comment period or during the public hearing conducted on April 8, 2003.

Jim McGraw presented the item.

*Motion was made by Lisa Davis Cook to approve the item as presented. Seconded by Terry Townsend. A roll call vote was taken: Lisa Davis Cook – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – aye; Francis Thicke – aye; Kathryn Murphy – aye. Motion carried.*

**APPROVED AS PRESENTED**

**AIR QUALITY - TITLE V FEE SFY 2004 BUDGET (COST CENTER 1556, 7230 & 7421)**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission is asked to approve the attached Title V Operating Permit budget establishing the annual Title V fee at \$30.75 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a \$1.75 per ton increase in the fee compared to the current fiscal year. The fee increase is primarily the result of increased costs associated with increased personnel costs for FTEs and Professional Service staff. The final Title V budget reflects changes from the draft budget presented to the Commission in March in the following areas: an increase in actual tons of air emissions reported by facilities for CY 2002, an increase in benefits costs for Polk County, and an increase in the University of Northern Iowa Small Business Assistance agreement cost. See the attached document for more details on changes from the draft budget presented in March.

**Title V Budget Changes** - Total Title V Fund expenditures are proposed to be increased from the current SFY 2003 budget levels by nearly \$503,804 in the SFY 2004 budget. Details on where changes to the budget are being proposed are listed line-by-line in the attached spreadsheet in the "Notes" column. The majority of the increased cost is associated with increased personnel cost and professional services costs.

**Balance Forward Funds** - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. The Bureau is estimating a balance carry forward in SFY 2004 of less than \$117,000. This is considered to be an adequate margin to offset factors such as higher than expected expenses, changes in the actual emissions reported, and reimbursement of fees to companies that may have over paid Title V fees in previous years.

**Expenditures and Funding** - The Air Quality Budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 and Air Toxics Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources:

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
Air Title V includes:		
Legal Services	1430	TV Fees
Title V Information & Education	1556	TV Fees
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 and Air Toxics Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103
Air Toxics Monitoring network	7250	CAA 103 and 105

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- \* CAA 105 - Clean Air Act section 105 grant with a state match required  
CAA 103 - Clean Air Act section 103 grant with no state match required  
GF – Legislatively appropriated General Funds  
TV Fees – Title V fees

Cost center 7260 is funded by a Department of Transportation Iowa Clean Air Attainment Program (ICAAP) grant. This one time grant provides funding for advertisement campaigns to increase public awareness and participation in the Bureau's Smoking Tailpipe Program. Funding from this grant will be available through October 2003.

Money from the Infrastructure Fund is for the purchase and installation of hydrogen sulfide and ammonia monitors for the confined animal feeding operation monitoring study specified in Senate File 2293. This funding does not affect the Air Quality Program, Air Title V Program, or PM2.5 and Air Toxics Monitoring.

Jim McGraw presented the item.

*Motion was made by Terry Townsend to approve the item as presented. Seconded by Francis Thicke. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## APPROVAL OF MINUTES

*Motion was made by Darrell Hanson to approve the minutes from the April 21, 2003 meeting as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**



**ELECTION OF OFFICERS****Chairperson of the Environmental Protection Commission**

*Lisa Davis Cook nominated Kathryn Murphy as Chairperson of the Environmental Protection Commission. Seconded by Terry Townsend. Motion was made by Darrell Hanson to cease nominations. Motion carried unanimously.*

**KATHRYN MURPHY - CHAIR**

**Vice-Chairperson of the Environmental Protection Commission**

*Francis Thicke nominated Darrell Hanson as Vice Chairperson of the Environmental Protection Commission. Seconded by Lisa Davis Cook. Motion was made by Terry Townsend to cease nominations. Motion carried unanimously.*

**DARRELL HANSON – VICE CHAIR**

**Secretary of the Environmental Protection Commission**

*Terry Townsend nominated Lisa Davis Cook as Secretary of the Environmental Protection Commission. Seconded by Kathryn Murphy. Motion was made by Donna Buell to cease nominations. Motion carried unanimously.*

**LISA DAVIS COOK – SECRETARY**

**PUBLIC PARTICIPATION**

**STUART FELDSTEIN**, representing the City of Garnavillo addressed the Commission about changing the classification of streams in Garnavillo. (Item 11) We would like to express support for action that the DNR is recommending to the Commission.

**STEVE VEYSEY**, Hawkeye Fly Fishing Association briefed the Commission on the following: Two emerging water quality issues of importance to HFFA are the possible redefinition of “waters of the U.S.”, and the requirement for states to make significant progress towards the adoption and implementation of nutrient criteria.

The recent SWANCC decision calls into question CWA jurisdiction over “isolated non-navigable intrastate waters”. On the face of it, this might exclude our Prairie Pothole wetlands from protection under the CWA. The issue has also been raised about jurisdiction over headwaters and ephemeral streams. In the January 15, 2003, Federal Register (33CFR Part 328 Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of “Waters of the United States”) public input was requested on issues associated with the definition of “waters of the United States”. Input was also requested from State resource agencies on the implications of the SWANCC decision for jurisdictional decisions under the Clean Water Act. These comments were due by April 15, 2003. I would appreciate knowing if the EPC or DNR have sent comments and the nature of those comments. If comments have not yet been sent, I would encourage the Commission to send comments to EPA declaring Iowa’s

support for the broadest interpretation of CWA jurisdiction over waters of the US, even though the deadline has passed.

As part of the mandatory development of nutrient criteria announced on January 9, 2001, states were strongly urged to submit a draft nutrient criteria plan, outline or roadmap to EPA by December 2001, (November 14, 2001 memorandum to Directors, State Water Programs, from Geoffrey Grubs, Director, EPA Office of Science and Technology). EPA has now published guidance for lakes, rivers, and streams for almost all ecoregions in the country, including the ecoregions covering Iowa. I would appreciate knowing if DNR has submitted a draft nutrient criteria plan or outline and the nature of the plan as it now stands.

I am requesting the HFFA be considered a stakeholder in these processes.

NPDES General Permit #4 covers point source septic systems in Iowa and it's up for renewal today for the next five years. I have no problem with what's being proposed in the new General Permit, but how will this be enforced? How will compliance be measured? What is the formal monitoring agreement between the DNR and the counties regarding compliance and monitoring? Permit holders are not required to submit their data to the State. Permit holders are suppose to take samples once a year and submit that to the county. As written, General Permit #4 still does not seem to address the heart of the problem, which is that many of these septic systems are not in compliance and there is no systematic monitoring.

In the State's Intended Use plan for State Revolving Funds, they state there are over a hundred septic systems in Iowa that do not work. That's why the State is going to use the SRF's to give low interest loans to individuals who have normal septic systems that need to be upgraded. I don't have a problem with that, but those same funds are going to be made available to septic systems covered under the NPDES General Permit #4. Waste treatment is a cost of doing business and I don't think we should be subsidizing it with state funds. I don't think that septic systems under General Permit #4 should be eligible for low interest state loans.

I support the Proposed Rulemaking for water quality standards with the Iowa Environmental Council suggested wording, that Susan will be presenting to you. This has to do with how the DNR defines high flow cut off and wether it should apply. Our water standards need to be interpretable by three groups of people; the regulating committee, the regulated committee and John Q public.

As far as the redesignation of South Cedar Creek that the DNR is taking off the rulemaking. I think it's fully appropriate that we write down and have the EPC review and vote on the procedures for designating streams. Two things I disagree with the Department regarding this include: The Department issued a final permit to the City of Garnavillo leaving the designation of that section as general. This was done a month before the EPC could even vote on the issue at their next meeting. In the cover letter that Mr. Riessen sent to the Mayor, which he stated "the Department will make effort to coordinate with the City of Garnavillo the development of the cold water aquatic life assessment protocol." I really don't see that one individual town's comments should carry an extra weight from any other comments as to a designation protocol. The Federal Clean Water Act states can not have a use designation for the simulation of waste.

(CRF 40131.10) Garnavillo has only one reason to be at the table and that's to avoid having to upgrade their waste treatment facility. There already is a procedure already in place, we just need to move forward and develop a protocol.

South Cedar Creek does not meet any of the qualifications to be classified as "general use". The DNR is not providing the level of aquatic life protection that is strongly recommended by EPA. We have not intentionally perhaps, but by our actions and implementations created an actually use designation for the simulation of waste.

**SUSAN HEATHCOTE**, Iowa Environmental Council made the following comments on the Revisions to Chapter 61, Water Quality Standards (Item 11):

The Council supports striking the current language on the new E. coli bacteria standard which is commonly referred to as the "high flow cutoff" but does not agree with the replacement language. The DNR recommended language is too vague and could be interpreted to mean that unless someone is actually recreating in the water at the time the sample is collected, the standard does not apply.

The Council recommends that the bacteria standard should apply at all times with no exceptions and that samples for bacteria testing not be collected during the times when water conditions make it unsafe for sampling activities. That should be the only exception to the standard.

The Environmental Council does not object to the postponement of rulemaking regarding the designation of the upper portion of South Cedar Creek as B(CW) to allow for the adoption by rule of DNR protocols for the designation of cold water streams. We do ask that the rulemaking necessary to adopt these protocols be expedited by the DNR and to conduct additional monitoring of South Cedar Creek to provide additional data.

Once the stream designation protocols have been adopted, we ask that all the monitoring data for South Cedar Creek be evaluated using the approved protocol. The Council is aware of the challenge facing Garnavillo and other small communities in Iowa as we upgrade our water quality standards. We ask that the DNR initiate additional research now on cost-effective wastewater treatment options for small communities.

## **NOTICE OF INTENDED ACTION – AIR QUALITY PROGRAM RULES CHAPTERS 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

Approval to proceed with the rulemaking process and publish a notice of intended action on proposed rule revisions and additions will be requested of the Environmental Protection Commission at the May 19, 2003 meeting. The Notice of Intended Action amends Chapter 21, "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for

Contaminants” and Chapter 25, “Measurement of Emissions” of the 567 Iowa Administrative Code.

This proposed rulemaking consists of the following:

- Adds specific variance requirements relating to trial burns of alternative fuels. This proposal relates to facilities that are interested in obtaining a waiver from construction permitting for conducting the trial burn.
- Makes date modifications to update federal regulations adopted by reference in the Iowa Administrative Code.
- Provides clarification/changes to an existing exemption from construction permitting. In particular, the revision pertains to changing the wording to clarify that a permit must be obtained and not just “applied for” to obtain emission reduction credit.
- Adopts by reference 21 recently promulgated federal NESHAPS
- Adopts a revised Sampling Compliance Manual

If this agenda item is approved by the Environmental Protection Commission, a public hearing on the proposed rules will be held on July 15 at 1:00pm at the Air Quality Bureau office in Urbandale.

Jim McGraw presented the item to the Commission.

*Motion was made by Darrell Hanson to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department received twenty-four (24) proposals, requesting nearly \$2.6 million in financial assistance, for consideration during the April 2003 round of funding. Eighteen (18) applicant projects were selected for funding or additional consideration. If approved they will receive \$1,318,322 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew, Jodi Jeanes), Iowa Society of Solid Waste Operations (Tom Clark), Iowa Recycling Association (Kathryn Russell), and the Iowa Waste Exchange (Rick Meyers).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	6	\$96,541	\$96,541
Private For Profit	6	\$1,034,821	\$264,096
Private Not For Profit	6	\$186,960	\$186,960
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	13	\$1,030,422	\$389,697
Market Development	2	\$241,400	\$111,400
Education	3	\$46,500	\$46,500
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	14	\$357,597	\$357,397
Forgivable and 0% loan only	3	\$619,725	\$170,000
Forgivable, 0%, and 3% interest loan	1	\$341,000	\$20,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

Wayne Gieselman updated the new Commission members on current items.

Tammie Krausman presented the item to the Commission. The funds come from the Groundwater Protection monies. There is a charge for every ton of waste that is landfilled. We receive a portion of that money.

*Motion was made by Darrell Hanson to approve the item as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE– AMEND CHAPTER 109, “SPECIAL WASTE AUTHORIZATIONS”**

Wayne Giseleman, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission’s consideration as a final rule are amendments to Chapter 567-109 “Special Waste Authorizations”. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau administrative rules for Special Waste Authorizations are being revised to include stabilized grit, bar screenings and grease skimmings to the category of general special wastes. This revision will eliminate the need for a Special Waste Authorization for the delivery of this common waste to a permitted sanitary landfill.

Another revision will add the conditions and requirements that shall be met by the sanitary landfill and /or the generator for the disposal of general special wastes (which will be petroleum-contaminated soil; asbestos-containing wastes; and stabilized grit, bar screenings and grease skimmings).

The last revision will correct an omission that was made in the paragraph that addresses infectious waste.

A public hearing on the proposed amendments was held April 8, 2003 and no one attended. One written comment was received and a responsiveness summary was prepared. Based upon the comment received, no changes to the amendments have been made.

Tammie Krausman presented the item to the Commission.

<i>Motion was made by Lisa Davis Cook to approve the Final Rule to amend Chapter 109. Seconded by Terry Townsend. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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**CONTRACT - REGIONAL COLLECTION CENTER PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department received two (2) applications (Council Bluffs Recycling Center and Prairie Solid Waste Agency) requesting financial assistance for establishing or expanding Regional Collection Centers for Household Hazardous Materials during the March 2003 round of funding. The review committee recommends moving forward with contracts with Council Bluffs Recycling Center in the amount of \$100,000 and Prairie Solid Waste Agency in the amount of

\$89,000. The source of this funding is that portion of the state solid waste tonnage fee dedicated to establishing Regional Collection Centers.

Council Bluffs Recycling Center is requesting grant assistance to locate a satellite facility in Page County. The application includes the expansion of their education program and the purchase of a one-ton truck to service the new satellite facility and better serve Mills County.

Prairie Solid Waste Agency is requesting grant assistance to locate satellite facilities in Clarke and Audubon Counties. The application includes a hazardous waste trailer and towing vehicle to serve these new satellites.

A description of the recommended projects is attached.

### **BACKGROUND**

Regional Collection Centers are permanent facilities that provide hazardous waste education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity business generators (CESQG), and urban and rural households.

Since 1994, thirteen (13) regional collection centers have been sited across Iowa serving 59 counties. In Fiscal Year 2003, regional collection centers received hazardous waste from more than 25,889 households and conditionally exempt small quantity generators. Over two million pounds of hazardous waste was collected for proper management and disposal. Approximately 65 percent of these hazardous materials were managed locally for recycling or reuse (i.e. latex paint, used oil, and lead-acid batteries). Hazardous waste not managed locally was collected by various hazardous waste haulers for out of state landfill disposal or fuel blending.

At this time, the Department is requesting Commission approval to enter into contracts with Council Bluffs Recycling Center and Prairie Solid Waste Agency subject to applicants' receipt of their solid waste permit or permit amendment.

Tammie Krausman presented the item to the Commission.

Heidi Vittetoe asked about the money for mobile units and what does that all include.

Tammie Krausman was unsure on what all of the money covered for the mobile units but offered to get Heidi additional information.

*Motion was made by Terry Townsend to approve the contract with Regional Collection Center Program. Seconded by Francis Thicke. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTRACT - NONPOINT SOURCE POLLUTION CONTROL PROJECTS**

Wayne Giseleman, Administrator of the Environmental Protection Services presented the following item.

Commission approval is requested for the following contracts for nonpoint source (NPS) pollution control projects. The total amount of the contracts is \$2,636,008.

The funds for these contracts will come from the FFY2002 Section 319 grant. This EPA grant is awarded specifically to be used for these nonpoint source pollution control projects. Funding from other state and federal programs is also being used to support many of these projects. Most of these projects are multiple year projects and Commission approval is being sought for the entire project periods.

The Section 319 funds to be provided during the entire project period, project descriptions, and the activities supported with the Section 319 funds are provided below.

Contracts with the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (IDALS/DSC):

- **Upper Maquoketa River Water Quality Project, Fayette County, \$100,000** - This contract will support a one-year extension of an ongoing project to protect and improve water quality in the Upper Maquoketa River, a portion of which DNR maintains as a "put-and-take" trout fishery and is one of two watersheds draining into Backbone Lake. Portions of the Maquoketa River are also listed on the 1998 303(d) list of impaired waters. BMPs being promoted include: structural soil conservation practices (water and sediment control basins), animal manure structures, rotational grazing, and timber stand improvement. CRP enrollment along the river and tributaries will be encouraged. In addition, a comprehensive information/education component will be included in the project to include demonstrations, tours and field days. Contract funds will be used to support the project coordinator, and financial incentives for implementation of BMPs.
- **Rock Valley Wellhead Protection Project, Sioux County, \$50,000** – This contract will support a one-year extension of an ongoing project to reduce nitrate levels in Rock Valley's wellheads to acceptable levels by reducing the point and nonpoint sources of nitrates contributing to Rogg Creek and the groundwater supplying the wells. BMPs being promoted include: enrollment of land into the CRP, terraces, conservation tillage, contouring, nutrient/pest management, filter strips, grassed waterways, movement of livestock operations, and animal waste structures. In addition, improved lawn management and other urban water quality protection practices are being promoted in the project's developed areas. Water quality monitoring is also being implemented. Contract funds will be used to support the project coordinator, information/education activities and financial incentives for the BMPs.



- **Whitebreast Creek Watershed Restoration Project, Lucas, Marion, Warren and Clarke Counties, \$100,000** - This contract will support a two-year extension of an on-going project to restore the Whitebreast Creek Watershed and assist with the implementation of the approved Corps of Engineers (COE) Section 206 project. Whitebreast Creek is a subwatershed of Lake Red Rock. Significant funding is committed for this project for design and installation of practices under the Section 206 project. However, funding was not provided under the Section 206 program for a project manager. Considering the extensive area of the watershed and the number of the practices necessary, the need for a dedicated project manager to assist in coordination of the Section 206 Project activities has been recognized. Contract funds will be used to support 50% of the project coordinator position, as well as for a part-time GIS staff person.
- **Upper Iowa River Watershed Project , Winneshiek, Allamakee and Howard Counties, \$150,000** – This contract will support a two-year extension of an ongoing project to protect and improve water quality in the Upper Iowa River Watershed. This project is sponsored by the Winneshiek, Allamakee and Howard County Soil and Water Conservation Districts, in partnership with the Resource Conservation and Development for Northeast Iowa, Inc. Project activities include GIS assessment and prioritization, an information/education program, and implementation of the Upper Iowa River Conservation Buffer Initiative. Contract funds will be used to support GIS staff and associated costs. USEPA is currently providing support for the project coordinator through a separate grant, in addition to supporting the project's activities with prior grants.
- **Water Quality in Rathbun Lake: BMPs in Targeted Sub-Watersheds II, Appanoose and Monroe Counties, \$150,000** – This contract will support a new, two-year project to protect the Honey Creek subwatershed of Rathbun Lake. The Honey Creek subwatershed is a prioritized component of the overall and ongoing efforts being undertaken in the Rathbun Lake watershed. BMPs to be promoted include: terraces, grade stabilization structures, water impoundment basins, ICM practices, improved grazing practices, riparian forest buffers and filter strips. GIS technology will be used in planning and evaluating the effectiveness of BMP implementation. Water quality monitoring will be conducted, along with a comprehensive information/education component. Contract funds will be used to support a project coordinator and financial incentives for BMP implementation.
- **Clear Lake Water Quality Project, Cerro Gordo and Hancock Counties, \$350,000** – This contract will support an extension of an ongoing project to protect and improve the water quality of Clear Lake. Clear Lake and the associated Ventura Marsh are both listed on Iowa's 1998 Section 303(d) list of impaired waters. Contract funds will be used to support a project coordinator and financial incentives for BMP implementation.

- **Rock Creek Lake Watershed Improvement Project, Jasper County, \$400,000** – This contract will provide funding to continue an ongoing watershed project to protect and improve the water quality of Rock Creek Lake. Rock Creek Lake is included on Iowa's 2002 Section 303(d) list of impaired waters due to siltation and nutrients. This project is working closely and cooperatively with the TMDL efforts being undertaken in the watershed. Reduction of sediment and nutrient delivery to the lake is being accomplished through the implementation of best management practices (BMPs) such as ponds and other grade stabilization structures, riparian buffers on crop and pasture lands, livestock exclusion from stream corridors, streambank stabilization, terraces and wetlands. A comprehensive information and education program will also be implemented. Contract funds will be used to support the project coordinator, a project technician, the I&E program, and financial incentives for implementation of BMPs.
- **Three Lakes Water Quality Project, Adams County, \$200,000** – This contract will support a three-year extension of an on-going project to protect and improve the water quality of Lake Icaria, Lake Binder, and West Corning Lake, all on the Section 303(d) list of impaired waters and serving as public water supplies. Considered Phase II, this project will continue to pursue improvements for both private and public lands, in order to address the water quality issues in all three watersheds. Practices to be promoted include: grade stabilization structures, streambank stabilization, hayland and grassland plantings, planned grazing systems, septic system improvements, etc. Contract funds will be used to support the project coordinator, an information/education program, and financial incentives for BMP implementation.
- **Amana Lily Lake Water Quality Project, Iowa County, \$100,000** – This contract will support a new three-year project to protect and improve the water quality of Amana Lily Lake, which is included on Iowa's 1998 Section 303(d) list of impaired waters. Both agricultural and urban practices will be promoted to include: conservation tillage, grassed waterways, filter strips, nutrient/pest management, and streambank stabilization. Contract funds will be used to support the project coordinator, financial incentives for BMP implementation, and an information/education program.
- **Rock Creek Water Quality Project, Clinton County, \$125,000** – This contract will support a one-year extension of an on-going project to protect and improve the water quality of Rock Creek (a Section 303(d) listed water), a backwater of the Mississippi River. Nutrient loading and sedimentation are major nonpoint source impacts. Practices being promoted throughout the watershed include: nutrient and pest management, conservation tillage, grassed waterways, grade stabilization structures, filter strips, streambank stabilization, livestock exclusion, wetland development, animal waste structures, and terraces. Contract funds will be used to support the project coordinator, an information/education program, and financial incentives for BMP implementation.

- **Mud Creek Water Quality Project, Muscatine County, \$50,000** – This contract will support a one-year extension of an on-going project to protect and improve the water quality of Mud Creek (a Section 303(d) listed water). Impacts identified include animal waste, nutrient and pesticide contamination and sediment. Practices being promoted throughout the watershed include: riparian buffer strips, grass filter strips, grassed waterways, animal waste systems, livestock exclusion, prescribed grazing, nutrient and pest management streambank stabilization. Contract funds will support a project coordinator, an information/education program, and financial incentives for BMP implementation.
- **Lake Darling Water Quality Improvement Initiative, Washington County, \$300,000** – This contract will support a two-year extension of an on-going project to protect and improve the water quality of Lake Darling (a Section 303(d) listed water). Impacts identified include sedimentation and nutrients, primarily from agricultural activities. Practices being promoted throughout the watershed include: terraces, water/sediment basins, grade stabilization structures, nutrient/pest management, no-till, buffers, etc. A water quality monitoring program and an information/education component are included in the project's activities. Contract funds will be used to support two part-time staff, water quality monitoring costs, the information/education activities and financial incentives for BMP implementation.

#### **Contracts with Iowa State University:**

- **Impacts of Managed Grazing on Stream Ecology and Water Quality, \$100,000** – This contract will support a one-year extension of an on-going project to address livestock grazing management in both riparian corridors and pasture areas and to evaluate the impacts of grazing on stream ecology and water quality, including impacts on phosphorus loads. This project has established demonstration sites in both upland and riparian locations to determine the impacts that grazing of different landscapes has on the delivery of NPS pollutants to surface waters. Sediment, phosphorus, and nitrogen runoff from the pasture areas and riparian corridors is being monitored. Field days are held at the demonstration sites to show the impacts of the various land-use practices on water quality. In addition, bulletins, presentations, videos and other informational materials are used to provide results of the demonstrations to a variety of groups and agencies. Contract funds will support project staff and associated costs, demonstration site development, and technology transfer activities. The Iowa Cattlemen's Association is working in partnership with Iowa State University to carry-out the project activities.
- **On-Farm Demonstration of the Impact of Phosphorus Soil Test Levels and Management on Phosphorus Loss with Surface Runoff, \$208,484** – This contract will support a two year extension of an on-going project to field test a phosphorus index in Iowa. This project will collect water quality data to assess the accuracy and effectiveness of the P Index and will demonstrate the impact of management practices on P loss with surface runoff. Contract funds will support project staff and associated project costs.

- **Statewide Manure Management Education Program, \$132,524** – This contract will support a three-year extension of an on-going information/education project focusing on proper manure nutrient utilization for crop production, while minimizing impacts on water and soil quality. This project supports the IMMAG web site, and is critical to linking ISU Extension and state and federal agency manure management programs and informing the public on these programs. Informational and educational materials about manure management issues will continue to be developed and updated and distributed to livestock and crop producers. Such materials include: a web page, newsletters, field days, etc. Contract funds will be used to support two 1/3 time project staff and associated costs.

#### **Contract with the Iowa Soybean Association**

- **On-Farm Phosphorus Demonstration, \$120,000** – This contract will support a new, two-year project which will build on work being conducted with the Iowa P index. A statewide information/education campaign will be implemented, with the focus being to establish a number of on-farm demonstration using the Iowa P index. Partners include Iowa Corn Growers, Cattlemen's, Pork Producers and Poultry Associations. Contract funds will be used to support project staff, data collection, financial incentives for participation and publication and distribution of results.

Wayne Gieselman presented the item to the Commission.

Lisa Davis Cook asked if the selection committee gives special consideration to applicants listed on the 303D list.

Wayne Gieselman said that part of the criteria for giving out the 319 money that a certain percentage of the 319 money is to be targeted for impaired waters and TMDL watersheds.

Darrell Hanson reported to abstain from this contract due to a working relationship with Iowa State University.

*Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **FINAL RULE: CHAPTER 61, WATER QUALITY STANDARDS, CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS, AND CHAPTER 72, CRITERIA FOR APPROVAL**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve a final rule to amend the state's water quality standards (WQS). The rule amendments, if approved, would:

1. Change the current Class A use from a single use designation of primary contact recreation to three designations as follows: Class A1 - Primary Contact Recreational Use, Class A2 - Secondary Contact Recreational Use, and Class A3 – Children's Recreational Use.
2. Establish numerical criteria for bacteria using *E. coli* as the indicator bacteria and change the time period the standards apply.
3. Provide for a separate, rule-referenced document listing the use classifications of all waters currently listed in subrule 567 - 61.3(5), Surface Water Classifications.
4. Correct and clarify the locations and or names of several waterbodies in subrules 567 - 61.2(2), Antidegradation Policy, and subrule 72.50(2), List of Protected Streams.

The new Class A1, A2, and A3 recreational use designations are based on recommendations of the Technical Advisory Committee (TAC) to more accurately assess and designate the actual uses of waterbodies. The existing Class A waters are being reassigned to one of the new use designations.

The use of *E. coli* as the indicator bacteria is considered to be a more accurate method of predicting pathogenic risk due to recreational uses than fecal coliform bacteria, the current standard. The bacteria criteria will only apply when the designated recreational use is present. The recreational season for most waters is changed from April 1 through October 31 to March 15 through November 15. For coldwater trout streams (Class B(CW)) or high quality (HQ) streams, recreation is assumed to occur the entire year, thus the bacteria standards will apply year-round. In addition to the changes in Chapter 61, the rule-referenced document entitled "Supporting Document for Iowa Water Quality Management Plans, Chapter IV", July 1976, as revised March 2003, is modified to reflect the new bacteria criteria and associated implementation details.

The adoption of the rule-referenced document, "Surface Water Classification", was recommended by the administrative code editor to ease maintenance and access of the list. The locations and or names of several waterbodies are corrected and clarified in the process of the adoption. Any future changes to the waterbody uses as provided in the rule-referenced document will still require EPC and EPA approval.

In the Notice of Intended Action, the upper reach of South Cedar Creek in Clayton County was proposed to be designated as Class B(CW) cold water, along with the adoption of the rule-referenced document "Surface Water Classification." Following consideration of comments made by the public during the comment period, the Department asks that the EPC terminate rule-making efforts on the addition of the Class B(CW) designation. The Department plans to develop a cold water stream assessment protocol and reassess South Cedar Creek at a later time.

The Notice included a phrase in the bacteria criteria that attempted to set an upper stream flow limit for recreational uses of a waterbody. Following consideration of public comments the words "exceed the high flow cutoff" have been removed from the final rule. The phrase was

replaced with language that describes the intent of the three proposed recreational use designations to provide bacterial protection only when the uses are occurring.

Wayne Gieselman briefed the new Commissioners on the Garnavillo situation. We are recommending that you do not adopt the stream classification for Garnavillo, that would be taken out of this rules process and instead the Department would go forward with the rulemaking process to state how we do the protocol. The Department also recommends that you do not approve the changes of the stream classifications for South Cedar Creek.

Darrell Hanson asked how we can change the language in the attached item 5 in the Final Rule – Chapter 61 to keep people off the streams and rivers when the water levels have either increased or decreased.

Susan Heathcote said that the Technical Advisory committee talked about the high flow cut off and the difficulty in replacing the current language with something that would be well understood and definable, so people would know when it applies and when it does not apply. We recommend that there be no limitations to the bacteria standard, that would apply at all times.

Mary Skopec said that it could be “reasonably expected to occur”. That reasonable language does end up in lots of rules. The reason they put in “are occurring” is that there is a new one time maximum standard as opposed to the chronic five samples over thirty days.

*Motion was made by Darrell Hanson to amend the language in Item 5 Final Rule – Chapter 61.3(3) paragraph “a”, as follows: The Escherichia coli (E. coli) content shall not exceed the levels noted in the Bacteria Criteria Table when the Class “A1”, “A2”, or “A3” uses can reasonably be expected to occur. Seconded by Lisa Davis Cook. Motion carried unanimously.*

Lisa Davis Cook asked Wayne about the permit issued to Garnavillo. If and when the Department changes the designation, can the permit can be reviewed at any time?

Wayne Gieselman said that it can be whenever the protocol gets put into the rules process.

Lisa Davis Cook asked if this is a cold water stream?

Wayne Gieselman said that we made the designation that is was a cold water stream. We do not have the protocol in place.

Stuart Feldstein said that it’s not because the protocol wasn’t adopted. We don’t think that the protocol that they used was followed also the data they gathered did not support the redesignation of the stream.

Wayne Gieselman said that in the terms of protocol, that would probably come at the time we get our survey of the streams a little later in the year. Under the new protocol we would do that at a different time of the year.

Lisa Davis Cook expressed her concern about the fact that this is a cold water stream according to the Department, if the rule making to have the protocol in place takes about 18 months to two years, they are going to continue to illegally discharge into the stream. How quickly can we get this protocol in line?

Wayne Gieselman said that it would take us six months after I present the rule to the Commission.

Lisa Davis Cook asked Wayne to keep the Commission up to date on how this is moving forward.

Kathryn Murphy mentioned that the upper portion of South Cedar Creek is excluded from this classification.

*Motion was made by Darrell Hanson to exclude the upper portion of South Cedar Creek from the final rule on Chapter 61, 62 and 72. Seconded by Francis Thicke. Motion carried unanimously.*

*Motion was made by Darrell Hanson to approve the Final Rule as amended. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS AMENDED**

#### **PROPOSED RULES—CHAPTERS 64 AND 69, RENEWAL OF GENERAL PERMIT #4**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve a Notice of Intended Action to initiate rulemaking to renew the general permit that authorizes wastewater discharges from private, onsite wastewater treatment systems.

Under Iowa statute, the construction permitting for private, onsite wastewater treatment systems is handled by counties, although the Department establishes the construction standards by rule (Ch. 69, Onsite Wastewater Treatment Disposal Systems). However, any surface discharges (as opposed to groundwater discharges) from private onsite systems such as sand filters and “package” mechanical plants must be authorized by a Department-issued discharge permit that is compliant with the NPDES requirements of the Clean Water Act.

Onsite system discharges are typically handled with a general permit that simplifies the administrative process. Chapter 64, Wastewater Construction and Operation Permits, contains general permit provisions and onsite discharges are covered under General Permit #4. A Notice

of Intent is submitted and coverage is obtained without the need for public notice, as is the case for individual permits. General Permit #4 contains various requirements for monitoring and maintenance of onsite wastewater systems.

NPDES permits can not be issued for periods exceeding five years, so general permits must be reissued every five years. The proposed rule would renew General Permit #4, make some changes to the permit conditions, and add some definitions to Chapter 69. The significant changes being proposed for General Permit #4 conditions include the following.

- Requiring that effluent sampling be conducted by a "qualified sampler". Homeowners or maintenance contractors would not be allowed to take compliance samples.
- Changing the bacterial effluent compliance testing requirements from fecal coliform bacteria to *Escherichia coli* (*E. coli*) for systems that discharge to the surface and establishing an effluent limit of 235 CFU/100 mL for systems that discharge within one mile upstream of a Class A or Class C water.

This item was originally presented to the Commission as a draft NOIA for information in March 2002. After additional consideration and discussion, two changes were made to the draft NOIA. These changes, which are incorporated into the attached NOIA, are summarized below.

- The effluent sampling frequency for free access sand filters was increased from once a year to twice a year at six-month intervals.
- The total suspended solids (TSS) testing requirement was retained to assure compliance discharge standards and assure that the systems are being maintained. The draft NOIA as presented to the Commission would have eliminated the TSS monitoring requirement.

*Motion was made by Darrell Hanson to approve the Proposed rules on Chapters 64 and 69. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**



**PROPOSED RULES - CHAPTER 90 -- SCOPE OF TITLE – DEFINITIONS – FORMS; CHAPTER 91 -- CRITERIA FOR RATING AND RANKING PROJECTS FOR THE WATER POLLUTION CONTROL STATE REVOLVING FUND; CHAPTER 92 -- STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT AND WATER POLLUTION CONTROL; AND CHAPTER 93 --- ONSITE WASTEWATER TREATMENT SYSTEM ASSISTANCE PROGRAM**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be provided copies of proposed changes to the Water Pollution Control State Revolving Fund program. The significant changes will, if adopted:

- Remove references to the defunct wastewater construction grants program.
- Provide for financial assistance for nonpoint source water pollution control projects.
- Consolidate and update the administration requirements for municipal point source water pollution control projects.
- Provide the criteria for rating and ranking of both point source and nonpoint source water pollution control facilities.
- Allow the use of four set asides to target state revolving fund money to nonpoint source water pollution control projects: livestock water quality facilities, local water protection projects, onsite wastewater treatment systems and general nonpoint source control projects.
- Allow the use of linked deposits and a pass through loan as mechanisms to provide financial assistance to nonpoint source control projects.

It is being proposed that the existing Chapters 90 through 93 be rescinded and replaced with the new Chapters as indicated above.

These changes are needed to implement SF 2145 passed in 2002, to bring the rules up to date, and implement the Governor's Executive Order Number 8.

Senate File 2145 removed the restriction from state law that only municipalities are eligible for assistance from the state revolving fund. By removing this restriction, the Department now can provide financial assistance to individuals and other entities to implement water pollution controls for nonpoint sources of pollution.

This item will be brought back to the Commission for decision at the next month's meeting.

Wayne Gieselman explained the State Revolving Fund and told the Commission that the Department's intent is to improve water quality.

<b>INFORMATIONAL ONLY</b>
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**2003 TMDL ASSESSMENT MONITORING AND LABORATORY SERVICES CONTRACT WITH UNIVERSITY HYGIENIC LABORATORY**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a Contract with the University Hygienic Laboratory to provide monitoring and laboratory services for TMDL program impaired waterbody assessment activities. The assessment work includes monitoring and lab analyses for eight waterbodies scheduled for TMDL development in 2003 or 2004, two reference lakes, and continuation of ongoing monitoring projects for the Cedar and Big Sioux Rivers. The Cedar River TMDL is scheduled for completion in 2005. In addition, there is one stream, Mud Creek, for which a draft TMDL has been distributed for public comment that requires additional assessment work as part of TMDL phasing.

The monitoring for lakes and streams is divided into fixed and variable categories. The fixed category consists of monthly sampling and analysis. The variable category consists mostly of event sampling using automatic samplers that is done when it rains and biological assessments of the monitored lakes. Other variable costs are for procedures that are new to UHL such as sediment oxygen demand measurement. The one time equipment costs are for automatic samplers and other data collection equipment.

The contract also includes two UHL staff positions dedicated to the needs of the TMDL program. One of these positions is to perform data management and analysis work that is overwhelming IDNR TMDL staff. The other position is to provide field support for bio-assessment and event sampling activities.

The UHL contract is for the period 3/1/2003 to 4/15/2004 and is for a maximum of \$676,707 as shown on the attached Estimated Agreement Budget. The department will provide funding for the Big Sioux River Project from an EPA 2002 TMDL Supplemental 104 (b)(3) Fund Grant that should be available. This grant was applied for in 2001 and to date \$100,000 has been received. The grant application was for \$189,000. The rest of the contract cost, \$560,863, will come from EPA Section 319 Grant funds for TMDL development.

*Motion was made by Lisa Davis Cook to approve the Contract with the University Hygienic Lab. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT FOR BEACH MONITORING SERVICES WITH THE UNIVERSITY OF IOWA  
– 2003**

Mary Skopec, Section Supervisor of the Water Monitoring Section in the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract with the University of Iowa Hygienic Laboratory for field and laboratory services totaling \$94,135. The contract is titled: State Park Beach Bacterial Analyses, 2003.

The purpose of this contract is to measure the levels of indicator bacteria present in the water of all 34 state-owned beaches and to identify those factors that place beaches at higher risk for fecal contamination. Bacteria will be monitored by the University Hygienic Laboratory for the recreation season (April 15<sup>th</sup> – Oct 31<sup>st</sup>) to provide better information on bacteria levels leading into the swimming season. Fecal coliform, Enterococci, and *Escherichia coli* indicator bacteria will be measured on a weekly basis. Samples for each beach will be a “composite” or mixture of nine individual samples taken from different points along the beach. Standard field parameters such as dissolved oxygen levels, water turbidity, pH, and water temperature will also be assessed to see if these easily measured parameters provide an “early warning” indication for high bacteria levels. A “grab” sample or a single sample from the beach will be collected by the DNR Park staff if the composite sample exceeds the state’s proposed one-time maximum level for *E. coli* (235 CFU/100ml). Extra samples may also be taken from beaches experiencing chronically high levels of bacteria to determine sources of the bacteria and/or the presence of disease causing organisms.

Funding for this contract is available from Environment First Funds state infrastructure dollars.

Mary Skopec passed out handouts dealing with water monitoring.

Mary Skopec said that we have a new closure for this year. If a bacteria sample comes back and exceeds the one time maximum, if it’s one of eight vulnerable beaches then we post an advisory sign right away. If any beach exceeds a geometric mean, which is five samples over thirty days then it will be posted also.

*Motion was made by Darrell Hanson to approve the contract for beach monitoring. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Mary Skopec updated the Commission on Backbone State Park and Strawberry Point Wastewater issues.

**AMENDMENT TO 2003 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA – WATER QUALITY**

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for an amendment to the FFY 2003 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The UHL agreement currently provides support for a variety of department activities including water monitoring, laboratory services, data management and analysis, and website development and maintenance. This amendment provides ongoing professional services to the Waste Water Section of the Water Quality Bureau at a cost of up to \$40,247 for the period July 1, 2003 through the expiration of the current contract on September 30, 2003. These positions will be funded with federal grant funds and will not utilize general fund money.

This amendment provides the Waste Water Section with three full-time positions responsible for the technical and administrative processing of NPDES permit applications including the review of applications, drafting of permits, evaluation of compliance and historical information, review of industrial treatment agreements, fact sheet preparation and the coordination of permit issuance including contacts with permittees. Duties may also include the modeling and calculations necessary to determine wasteload capacities of Iowa streams and the conversion of these wasteloads to limitations to be used in NPDES permits.

Merit Resources, Inc. is currently providing these services. Since the contract between Merit Resources and the state now limits the provision of a specific individual's services to an eighteen month period, it is in the department's long-term interest to transfer the staff members currently performing these tasks to the UHL contract. This amendment will increase the contract total of \$554,506 to \$594,753 for the current contract period.

It is anticipated that these services will be included in the next contract agreement due to be renewed on October 1, 2003. On an annual basis, the total cost for the provision of these services at the current level will be approximately \$160,988. This represents an increase on an annual basis when compared to the Merit Resources contract. This cost is easily offset by the avoidance of having to recruit and train qualified individuals every eighteen months. The department is fortunate to have three quality individuals performing these functions at the present time and the change in contractors will ensure that these services will continue at the same high level of performance.

*Motion was made by Darrell Hanson to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE – CHAPTER 65.15(14-21) CONCRETE STANDARDS FOR MANURE STORAGE**

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Iowa Code section 459.307, subsection 4, allows construction of a formed manure storage structure on karst terrain or an area that drains into a known sinkhole, if the formed structure is constructed according to upgraded construction design standards adopted by the department.

The department has reviewed its current minimum concrete standards and is proposing that these standards should be updated to reflect some of the most current and minimum design recommendations from the American Concrete Institute (ACI), MidWest Plan Service (MWPS), and Natural Resources Conservation Service (NRCS).

The proposed minimum concrete standards would replace 567 Iowa Administrative Code (IAC) 65.15(14), insert a new subrule 65.15(15) and re-number subrules 65.15(15) through 65.15(20) to 65.15(16) through 65.15(21).

The Department plans to prepare this proposal as a Notice of Intended Action for Commission approval at a future meeting.

<b>INFORMATIONAL ONLY</b>
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**PROPOSED RULE – 65.7(1) CONSTRUCTION PERMIT REQUIREMENTS FOR ANIMAL UNITS**

Wayne Giseleman, Administrator of the Environmental Services Division presented the following item.

As a result of the 2002 Acts of the 79<sup>th</sup> General Assembly, Senate File 2293, (codified in Iowa Code section 459.303), the construction permit requirements have been modified from animal weight capacity to animal unit capacity.

As a result, subrule 567 IAC 65.7(1) must be amended to reflect the new animal unit requirements. The proposed construction permit requirements would replace subrule 567 IAC 65.7(1) “b”, which is enclosed for your use.

The Department plans to prepare this proposal as a Notice of Intended Action for Commission approval at a future meeting.

Wayne Gieselman said that the Department will meet with the production people and walk through these standards to see if they are reasonable or not.

<b>INFORMATIONAL ONLY</b>
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### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

#### **A) C. D. MOORE (DES MOINES) – DRINKING WATER/PENALTY**

Mike Murphy requested referral of C.D. Moore, owner of Iowa Skate Palace in Iowa Falls. The problem is due to the fact that they have not sampled their water.

<i>Motion was made by Lisa Davis Cook to refer C.D. Moore to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.</i>
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<b>REFERRED</b>
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### **PROPOSED CONTESTED CASE DECISION – SWINE GRAPHICS ENTERPRISES, INC.**

Michael P. Murphy, Bureau Chief of the Legal Services Bureau presented the following item.

On April 9, 2002, the department issued Administrative Order No. 2002-AFO-12 to Swine Graphics Enterprises, Inc. The Order required the company to comply with construction permit requirements and to pay a penalty of \$1,000. The Order was appealed, and the matter proceeded to administrative hearing on April 11, 2003. The Administrative Law Judge issued the attached Proposed Decision on May 2, 2003. The decision reverses the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy briefed the Commission on the case. He said this was the Commission's opportunity to review the case on their own.

The Commission chose to take no action which has the effect of upholding the Administrative Law Judge's decision.

<b>NO ACTION TAKEN</b>
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## **MONTHLY REPORTS**

Wayne Giesleman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
May 1, 2003

Proposal	Notice of Commission	Notice Published	Arc #	Review Committee	Rules Hearing	Comment Period	Summary to Commission	Final Rules Adopted	Rules Published	Arc #	Committee Review Rules	Effective Rules
1. Ch. 20, Ch. 28 – Ambient Air Quality Standards (CAFO)	7/22/02	8/21/02	1876B	9/10/02	9/17, 24, 30; 10/02	10/04/02	4/21/03	4/21/03	*5/14/03		*6/10/03	*6/18/03
2. Ch. 21, Ch. 22, Ch. 23 and Ch. 25 – Air Quality Program Rules – Updates, Revisions and Additions	5/19/03	*6/11/03		*7/08/03			*8/18/03	*8/18/03	*9/17/03		*10/06/03	*10/22/03
3. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees	2/17/03	3/19/03	2356B	4/14/03	4/08/03	4/08/03	5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
4. Ch. 22 – Air Construction Permitting Exemptions	4/21/03	*5/14/03		*6/10/03			*7/21/03	*7/21/03	*8/20/03		*9/08/03	*9/24/03
5. Ch. 28 – Ambient AQ Sampling Manual	8/19/02	9/18/02	1990B	10/09/02	10/08, 15, 16, 23/02	11/01/02	4/21/03	4/21/03	*5/14/03		*7/08/03	*7/16/03
6. Ch. 61 – Water Quality Standards; Ch. 72 – Criteria for Approval	12/16/02	1/08/03	2228B	2/14/03	2/4-11/03	2/11/03	5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
7. Ch. 65 – Animal Feeding Operations; Ch. 70 – Flood Plain Development; Ch. 72 – Criteria for Approval (Confinement Feeding Operations on Flood Plains)	12/16/02	1/08/03	2229B	2/14/03	2/3,4,6,7/03	2/07/03	4/21/03	4/21/03	*5/14/03		*6/10/03	*6/18/03
8. Ch. 109 – Special Waste Authorizations	2/17/03	3/19/03	2357B	4/14/03	4/08/03	4/08/03	5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
9. Ch. 116 – Registration of Waste Tire Haulers	12/16/02	1/08/03	2230B	2/14/03	1/29/03	1/29/03	3/17/03	3/17/03	4/16/03	2414B	*5/12/03	*5/21/03

Monthly Variance Report						
April, 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Brand X Body Company-Swea City	Air Quality		Permit Requirements	Approved	04/10/03
2	Lafarge North America-Buffalo	Air Quality		Permit Requirements	Approved	04/10/03
3	Adair, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Primary Sludge Piping	Approved	04/17/03



4	Jefferson, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Sludge Holding Tank- Aeration & Mixing	Approved	04/16/03
5	Jefferson, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Site Separation	Approved	04/17/03
6	Jefferson, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Bar Racks and Screens	Approved	04/17/03
7	Northern Natural Gas Company- Redfield Underground Storage Facility- Dallas County	Wastewater Operation	Leo Nichols-Northern Natural Gas Company	Monitoring Frequency	Approved	04/17/03
8	Denmark, City of	Watersupply Construction	Van Winkle-Jacob Engineers	Duplication Requirements	Denied	04/01/03

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions

During the period April 1, 2003, through April 30, 2003, 55 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total chemical	Agri- Products	Petroleum Chemicals	Other Facility	Transport	Fixed	Pipeline	Railroad	Fire	Other*
Incidents										
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	39 (62)	1 (4)	29 (44)	9 (14)	11 (20)	18 (37)	1 (1)	6 (2)	0 (1)	3 (1)
March	38 (93)	5 (8)	22 (68)	11 (17)	8 (27)	24 (57)	1 (1)	2 (1)	0 (3)	3 (4)
April	55 (155)	22 (47)	20 (83)	13 (24)	17 (44)	30 (99)	1 (2)	1 (1)	0 (5)	6 (4)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	324 (593)	53 (82)	184 (398)	87 (112)	96 (190)	188 (343)	6 (10)	15 (8)	1 (13)	18 (29)

Total Number of Incidents Per Field Office This

1	2	3	4	5	6
8	5	9	7	17	9

(numbers in parentheses for same period last year)  
\*Other includes dumping, theft, vandalism and  
unknown

May 2003

# Environmental Protection Commission Minutes

## Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period April 1, 2003, through April 30, 2003, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total	Feedlot	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface
Incidents	Application	Water								
Impacts										
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	1 (3)	0 (0)	1 (1)	0 (1)	0 (1)	1 (2)	0 (1)	0 (0)	0 (0)	0 (1)
April	3 (6)	0 (0)	2 (4)	0 (1)	0 (1)	1 (6)	1 (0)	0 (0)	0 (0)	0 (3)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>35 (26)</b>	<b>0 (1)</b>	<b>16 (12)</b>	<b>4 (6)</b>	<b>0 (0)</b>	<b>29 (22)</b>	<b>2 (2)</b>	<b>1 (2)</b>	<b>0 (0)</b>	<b>3 (8)</b>

(numbers in parentheses for the same period last year)  
Total Number of Incidents Per Field Office This

1	2	3	4	5	6
1	0	0	0	1	1

**DATE:** May 1, 2003

**TO:** EPC

**FROM:** Mike Murphy

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Furnas County Farms Marketing Co., LLC, Harrison Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$2,000	4/02/03
New Fashion Pork, Inc.; NFP Farms LLP, Adams Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement; Land Application Separation Distance	Order/Penalty \$2,000	4/02/03
Eagle Pork, Inc.; Christensen Farms & Feedlots, Inc., Hancock Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations – General Criteria	Consent Order \$2,500	4/02/03
Plantation Village MHP Burlington (6)	Drinking Water	Monitoring/Reporting – Radioactivity; MCL – Radioactivity; Public Notice; CCR	Order/Penalty \$500	4/02/03
Frederika's Stein & Dine, Frederika (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$2,875	4/02/03
Efran Valdez, Warren Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$4,000	4/02/03
Wright County; Wright County Engineer (2)	Air Quality	Open Burning	Order/Penalty \$750	4/02/03
Wellington Environmental, Davenport, Iowa City (6)	Air Quality	Asbestos	Consent Amendment	4/02/03
Nichols Aluminum Casting, Davenport (6)	Air Quality	Violations – Other	Consent Amendment	4/02/03
Sioux City, City of (3)	Wastewater	Discharge Limits; Pretreatment	Order	4/07/03
New London Dairy, LLC; Steve Walter d/b/a Walter & Sons, Henry Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria; Record Keeping	Order/Penalty \$5,000 Damages Claim \$20,079.60	4/07/03
Environmental Services of Iowa, Inc., Ft. Madison, Adel (5) (6)	Solid Waste	Illegal Disposal	Consent Order	4/07/03
Groschopp, Inc., Sioux Center (3)	Air Quality	Operation Without Permit	Consent Order \$4,000	4/09/03
Panora, City of (4)	Air Quality	Permit Conditions	Order/Penalty \$1,000	4/14/03

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Keokuk County; Keokuk County Engineer (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$4,000	4/14/03
Frank Green, Iowa Co. (6)	Animal Feeding Operation	Failure to Empty Discontinued Facilities	Order/Penalty \$500	4/14/03
McCollister & Co., Council Bluffs (4)	Air Quality	Operational Violations	Order/Penalty \$8,000	4/14/03
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	4/14/03
Natural Pork Production II, Shelby Co. (4)	Animal Feeding Operation	Operational Violations – Excess Animals/Animal Weight	Order/Penalty \$10,000	4/14/03
Air Bears II; Larry Meixner, Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Referred to AG	4/21/03
Dale Schaffer, Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to AG	4/21/03
Roquette America, Inc., Keokuk (6)	Air Quality	Violations – Other	Referred to AG	4/21/03
Larry Noel, Floyd Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$2,000	4/23/03
Carl Eklund, Union Co. (4)	Animal Feeding Operation	Failure to Update Plan; Record Keeping; Land Application Separation Distance	Order/Penalty \$2,000	4/23/03
Larry Pogue and Independence Mobile Home Park, Independence (1)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics; Public Notice	Order/Penalty \$2,000	4/23/03
James Masching, Carroll Co. (4)	Animal Feeding Operation; Wastewater	Prohibited Discharge – Confinement, Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$5,000	4/23/03
Kevin Hohbach, Taylor Co. (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rates	Order/Penalty \$2,000	4/23/03
Rural Iowa Solid Waste Management Association Hardin Co. (2)	Solid Waste	Cover Violations; Other Violations	Order/Penalty \$3,400	4/23/03
Denny Geer, Taylor Co. (4)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$3,000	4/23/03
Mobile World LC, Clinton Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty \$2,250	4/23/03
Woodbine, City of (4)	Drinking Water	MCL – Nitrate; Public Notice	Order	4/24/03
Champion Environmental Services, Muscatine (6)	Air Quality	Asbestos	Consent Amendment	4/24/03
Stockton, City of (6)	Drinking Water	Certified Operator	Order/Penalty \$200	4/29/03
Gingerich Well & Pump Service, LLC, Corwin Gingerich; Klint Gingerich, Kalona (1) (6)	Drinking Water	Construction Without Permit; Construction Contrary to Permit	Order/Penalty \$4,300	4/30/03

## IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** May 1, 2003  
**TO:** Environmental Protection Commission  
**FROM:** Michael P. Murphy  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Deer Ridge Estates (Ottumwa)	WS	100	4-30-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sales-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01

Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	4-07-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	1,750	9-15-02
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	1,750	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Matter's Ballroom (Decorah)	WS	300	11-29-02
* Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	700	12-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	1-06-03
Richard Ogden (Manchester)	WS	2,500	1-07-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
* George Redman (Mitchellville)	AQ	2,267	1-15-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	250	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,300	3-01-02
Lidderdale, City of	WS	500	3-04-03
Cargill, Inc. (Cedar Rapids) SEP	AQ	1,000	3-11-03
Nevada, City of SEP	WW	3,000	3-14-03
* Allison, City of	AQ	2,000	4-01-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03

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Iowa City Ready Mix, Inc. (Iowa City)	WW	1,000	4-19-03
John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
* Rocky Knoll Mobile Home Park (Forest City)	WS	1,200	5-01-03
*Robert Fisher (Hamilton Co.)	AFO	900	5-01-03
Groschopp, Inc. (Sioux Center)	AQ	4,000	5-08-03
* Paul L. Nagle (Clear Lake)	AQ	300	5-15-03
Champion Environmental Services, Inc. (Muscatine)	AQ	6,000	5-24-03
Dennis Huedepohl; Breckenridge Estates (Iowa City)	WW	500	5-26-03
* Kiefer Built, Inc. (Kanawha)	AQ	2,500	5-30-03
*Harold Selim (Union Co.)	AFO	500	6-01-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Frederika's Stein & Dine (Frederika)	WS	2,875	6-09-03
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000	6-13-03
Panora, City of	AQ	1,000	6-17-03
Keokuk County; Keokuk County Engineer	AQ/SW	4,000	6-17-03
# Frank Greene (Iowa Co.)	AFO	500	6-17-03
* Bog's Bar (Langworth)	WS	200	6-19-03
# Natural Pork Production II (Shelby Co.)	AFO	10,000	6-20-03
McCollister and Company (Council Bluffs)	AQ	8,000	6-20-03
# Larry Noel (Floyd Co.)	AFO	2,000	6-25-03
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Larry Pogue; Independence MHP (Independence)	WS	2,000	-----
# James Masching (Carroll Co.)	AFO/WW	5,000	-----
# Kevin Hohbach (Taylor Co.)	AFO	2,000	-----
# Carl Eklund (Union Co.)	AFO	2,000	-----
# James Bolter (Kalona)	AFO	5,000	-----
Brogan's Pub & Grub (Palo)	WS	750	-----
# New Fashion Pork, Inc.; NFP Farms, LLP (Adams Co.)	AFO	2,000	-----
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Scooter's Tower Club (Cresco)	WS	500	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Mobile World LC (Clinton Co.)	SW	2,250	-----
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	3,400	-----
Denny Geer (Taylor Co.)	AQ/SW	3,000	-----
Stockton, City of	WS	200	-----
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300	-----
<b>TOTAL</b>		<b>459,700</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99

Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
<b>TOTAL</b>		<b>239,964</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790

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Long Branch Maintenance Corp. (Earlham)	WW	5,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
Carleton Tansport Service, Inc. (Sioux Rapids)	WW/HC	5,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Donald Kurtenbach (Chickasaw Co.)	AFO	3,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000

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# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Interstate Grain, Inc. (Mason City)	AQ	4,000
Cass County; Cass County Engineer	AQ	5,000
Audubon, City of	WW	10,000
C.J. Moyna & Sons, Inc. (Elkader)	WW	10,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids)	WW	10,000
Holiday Mobile Lodge, Inc.; Allie Alberhasky (Iowa City)	AQ/SW	4,000
# Daniel E. Wilson (Prairie City)	AFO	2,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Tim Schrock; Devon Schrock (Washington Co.)	AFO	4,000
# Gary Muller (Griswold)	AFO	5,000
David Elias (Iowa City)	WW	1,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
<b>TOTAL</b>		<b>491,485</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*#Robert Fisher (Hamilton Co.)	AFO	100
# Greig & Co., Inc. (Emmet Co.)	AFO	5,000
Coin, City of	WS	50
# Hoefer Pumping, LLC (Black Hawk Co.)	AFO	3,000
Bulk Petroleum Corp.; Store #573 (Des Moines)	UT	5,000
# Kyle Janes (Hardin Co.)	AFO	500
# Will Axmear; Pine Meadows, LLC (Keokuk Co.)	AFO	4,000
* Paul L. Nagle (Clear Lake)	AQ	100
* Rocky Knoll Mobile Home Park (Forest City)	WS	200
John Hoth (Tama)	UT	1,500
Wright Co.; Wright Co. Engineer	AQ	750
# Eagle Pork; Christensen Farms & Feedlots (Hancock Co.)	AFO	2,500
# Furnas County Farms Marketing Co., LLC (Harrison Co.)	AFO	2,000
<b>TOTAL</b>		<b>24,700</b>

The following SEP payments were paid last month:

# Greig & Co., Inc. (Emmet Co.) SEP paid to Animal Agriculture Compliance Fund	AFO	5,000
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The following penalties have been rescinded or withdrawn:

Wellington Environmental (Davenport)	AQ	4,000
Leonard Anderson (Linn Grove)	UT	1,160
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000

## Attorney General Report

Name, Location & Region Number	Program	Alleged Action	DNR Action	New or Updated Status	Date
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ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal	6/26/02 10/07/02 12/26/02 1/28/03
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Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial	3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03
Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) <b>UPDATED</b>	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal Court of Appeals Ruling Affirms District Court No Appeal – Case Closed	12/28/00 1/18/01 7/09/01 7/30/01 2/28/03
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred	10/21/02
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Default Judgment	2/18/02 8/08/02 9/23/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Re porting- Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5)	Underground Tank	Record Keeping	Order/Penalty	Referred	3/17/03
Chatfield, Jerry d/b/a North Iowa Truck and	Solid Waste Wastewater	Illegal Disposal; Operation Without	Order/Penalty	Referred	10/21/02

Tractor Floyd (2)	Permit					
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed	8/19/02 11/27/02	
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02	
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03	
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress	11/21/94 4/18/96 9/20/96 9/20/96	
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed	2/18/02 2/03/03	
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Re porting- Bacteria	Order/Penalty	Referred	11/18/02	
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Re porting- Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02	
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03	

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Kelso, John C. Worth Co. (2)	Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment	4/17/99 6/01/01 11/08/02 12/16/02
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Re porting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Meixner, Larry; Bears II Thompson (2) NEW	Drinking Water	Monitoring/Re porting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
M-F Estate, Real Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred	9/16/02
Mills County Landfill Association Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Intervention by Iowa Waste Systems Intervenor's Motion for Summary Judgment	9/26/01 5/02/02 8/29/02

**UPDATED**

State's Resistance 9/12/02  
 Order Denying Intervenor's Motion for 12/06/02  
 Summary Judgment  
 Dismissed by Plaintiff 3/03/03

Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Re porting; Operational Violations	Order/Penalty	Referred	11/18/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Order/Penalty	Referred Action Withdrawn	2/15/99 4/09/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03
Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/03
Roquette America, Inc. Keokuk (6) <b>NEW</b>	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4) <b>NEW</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03

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Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	Drinking Water	Monitoring/Re porting- Nitrate; Public Notice	Order	Referred	11/18/02
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure	Order/Penalty	Referred	2/17/03
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
Vessel Systems, Inc. Dubuque (1)	Air Quality	Construction Without Permit	Order/Penalty	Referred	11/18/02
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred	3/17/03
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred	10/21/02

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	<b>4/30/03 – Hearing continued pending payment of penalty settlement installment.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/28/03 - New facilities are completed. Settlement offer made.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	<b>4/03 – Settled. Agreement reached. Consent order to be signed.</b>
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.

7/27/99	Affordable Asbestos Removal; Jeffery Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 – EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ decision cut penalty in half - remainder of case on appeal with Supreme Court. 2/28/03 – Court of Appeals affirmed order, as modified.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	<b>Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$800 paid to date.</b>
12/01/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>9/9/02 – Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 – Letters received from City engineer regarding appeal and WWTF improvements. 12/02 – WW permit staff requested to draft amended permit to resolve appeal. 1/31/03 – Report on status of permit requested from WW staff. 4/29/03 – Report from Dept. engineer regarding status of City's WWTF project. Per City - plans and specs to be submitted 5/03.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	<b>Construction completed. Waiting for proof of costs incurred in order to negotiate penalty.</b>
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	1/28/03 – Second request to Kronlage's attorney for settlement offer.
9/27/00	<b>Farmers Cooperative Society (Titonka)</b>	2	<b>Admin. Order Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. \$1,500 paid on 12/9/02. Case closed.</b>
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/03 – Negotiating before filing..
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Hearing re-set for 5/29/03.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Permit amended to resolve appeal. Awaiting dismissal by Fansteel.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/03 – Negotiating before filing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/13/01	West Central Cooperative	4	<b>Permit Denial</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. Case closed.</b>
4/16/01	Richard Thompson, Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	2/06/03 – Penalty paid. Tire management plan submitted. Waiting for additional information.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – under review.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order. 2/03 – Per FO5 project progressing as required.
6/19/01	<b>John Hoth</b>	5	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>Compliance completed. 4/23/03 - penalty settlement received. Case closed.</b>

6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. 1/31/03 – Status report requested from FO5. 1/31/03 – Facility to re-open under new owners, Iowa Quality Beef, in mid-March, 2003.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	<b>4/23/03 – Sent to DIA.</b>
7/10/01	Midway Oil Co. (West Branch - 8603858)	6	Admin. Order/Penalty	UT	Wornson	<b>4/4/03 – ALJ proposed decision affirming AO.</b>
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	<b>4/4/03 – ALJ proposed decision affirming AO.</b>
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	<b>Admin. Order/Penalty</b>	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 – District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/15/01	<b>Trajet Products, Inc.</b>	4	Admin. Order/Penalty	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. 1/09/03 – Penalty payment received. Case closed.</b>
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – <b>Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by</b>

8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	<b>facility engineer. 4/03 – Revised consent order drafted.</b> Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	<b>Tier 2 submitted. Revisions required. Negotiating penalty.</b>
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	<b>Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.</b>
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty payment plan established.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	<b>Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03.</b>
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02.
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	<b>2/26/03 – ALJ decision affirms order. 4/9/03 – Collection letter sent.</b>
4/11/02	William Habbab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	<b>4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney. 2/12/03 – Revised settlement offer sent by Co. attorney. 4/30/03 – Dept. response to settlement offer.</b>
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	<b>Hearing re-set for 6/10/03.</b>
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P.; ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	Hearing set for 4/11/03.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	<b>3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months.</b>
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Settled. Consent amendment agreed upon.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	<b>Hearing set for 6/9/03. Possible settlement.</b>
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	9/10/02 – Settlement offer sent.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	<b>3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.</b>
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Negotiating penalty.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Settlement agreement. Hearing postponed indefinitely.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 – City requested to submit revised report.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Negotiate penalty.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Clean-up under way. Next inspection scheduled for 3/1/03.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	Negotiating before filing.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Mr. Siems is scheduling clean-up. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Negotiating before filing.
10/24/02	Harold L. Foster; Carolyn Foster; Glolin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	Negotiating before filing.

11/12/02	Audubon, City of	4	<b>Order/Restitution Claim</b>	WW	Murphy	<b>Hearing set for 6/16/03.</b>
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	<b>Order/Penalty</b>	WW/HC	Wornson	Tier 1 completed.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	<b>Order/Penalty</b>	AFO	Murphy	<b>5/1/03 - Submitted to ALJ by stipulation. Briefs due 5/16/03.</b>
11/18/02	Randy Lewis & Lewis Contracting Co.	4	<b>Order/Penalty</b>	WW	Murphy	Negotiating before filing.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/HC	Tack	Negotiating before filing.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Murphy	Negotiating before filing.
12/09/02	Carleton Transport Service, Inc.	3	<b>Order/Penalty</b>	WW/HC	Murphy	2/28/03 – Settled. Awaiting penalty payment.
1/13/03	Merrell Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	<b>Order/Penalty</b>	WW	Murphy	<b>4/29/03 – Settlement offer.</b>
1/13/03	C. J. Moyna & Sons, Inc.; John P. Moyna	5	<b>Order/Penalty</b>	WW	Murphy	<b>4/29/03 – Settlement offer.</b>
1/14/03	Monsanto	2	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
1/21/03	<b>Donald Kurtenbach</b>	1	<b>Order/Penalty</b>	AFO	Tack	<b>Settled on 3/10/03. Penalty payment and fish restitution received. Case closed.</b>
1/24/03	Kuntz Farms, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	<b>Order/Penalty</b>	UT	Wornson	Compliance completed except for penalty.
1/27/03	Harold Selim	4	<b>Order/Penalty</b>	AFO	Clark	2/17/03 – Settled. Payment plan established. First payment received 2/25/03.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	3/18/03 – Settlement offer sent.
1/29/03	Ankeny, City of	5	<b>Order/Penalty</b>	WW	Hansen	Hearing set for 5/23/03.
1/31/03	DIWAN, L.L.C.	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
2/05/03	Landfill of Des Moines, Inc.	5	<b>Order/Penalty</b>	SW	Tack	<b>Hearing continued to 5/21/03.</b>
2/06/03	Interstate Grain, Inc.	2	<b>Order/Penalty</b>	AQ	Book	<b>Facility closed – in receivership now.</b>
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
2/11/03	Cass County; Cass County Engineer	4	<b>Order/Penalty</b>	AQ	Book	4/01/03 – Sent to DIA.
2/14/03	United Suppliers, Inc.	5	<b>Permit Conditions</b>	WW	Hansen	3/03 – Appeal reviewed by WW permits section.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/28/03	Ankeny, City of	5	<b>Permit Conditions</b>	WS	Hansen	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
<b>3/04/03</b>	<b>Environmental Services of Iowa</b>	5	Permit Revocation	SW	Tack	<b>Consent order entered. \$1,500 SEP paid. Case closed.</b>
3/06/03	Fran-Gard Properties, Inc.; Frank Gardner	1	<b>Order/Penalty</b>	WW	Murphy	<b>4/28/03 – Settlement offer.</b>
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/12/03	Champion Environmental Services, Inc.	6	<b>Order/Penalty</b>	AQ	Book	<b>Case settled. Consent amendment signed, awaiting penalty payment.</b>
3/26/03	Dan Wilson	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/31/03	Holiday Mobile Lodge, Inc.; Alberhasky Family	6	<b>Order/Penalty</b>	AQ/SW	Book	Negotiating before filing.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Murphy	New case.
4/09/03	Gary Muller	4	<b>Order/Penalty</b>	AFO	Book	<b>New case. Meeting scheduled for 5/2/03.</b>
4/14/03	Tim Schrock; Devon Schrock	6	<b>Order/Penalty</b>	AFO	Book	<b>New case. Settled. Consent amendment being issued.</b>
4/22/03	David Elias	6	<b>Order/Penalty</b>	WW	Book	New case.
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	New case.



Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes

During the period April 1, 2003 through April 30, 2003, 8 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
		1.4	.0291	4	0(0)
<i>October '02</i>	<i>5(9)</i>				
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03					
June '03					
July '03					
August '03					
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
5	0	0	0	3	0

**INFORMATIONAL ONLY**

## GENERAL DISCUSSION

Wayne Gieselman said that he received a petition for rulemaking that changes the permit fee for our storm water permits for sites between 1 – 5 acres. That reduces the fee from the proposed \$150.00 to \$10.00. The Commission will need to respond back on that petition for rulemaking. This will be back to the Commission for decision at the next meeting.

Darrell Hanson asked if the Animal Feeding Operations Coordinator position has been filled yet?

Wayne Gieselman said Gene Tinker is the new Coordinator and he will begin the day after Memorial day.

Wayne Gieselman asked the Commission on their thoughts about the nullified air quality standards and where should we go from here. Do we restrict ourselves to the livestock only or do we look at all emission sources? Wayne updated the new Commissioners on the current situation of the Air Quality Standards.

Darrell Hanson asked where the standards ought to be? I'm not conceived that the levels of the University report presented were the proper levels. If this Commission concludes that there needs

to be ambient standards for ammonia and hydrogen sulfide, I think the standard should apply to everybody not just the farmer.

Terry Townsend agreed that the standard should apply to all, it doesn't matter where it comes from.

Kathryn Murphy asked what groups were involved with the discussions in putting the rules together?

Wayne Gieselman said that we did not have a technical advisory group for the rules, just for the monitoring methods. We went forward from the reports from the Universities which was requested by the Governor and the Director. We are continuing with the air quality study, that Senate File 2293 directed us to do. We've got six monitors up now and we'll be adding four more this summer.

Lisa Davis Cook said that she liked the rule that we passed. I agree with Terry and Darrell that the rule should apply to everyone across the board. I think we should move forward with this and not drag it out any longer.

Francis Thicke asked if there is anything that can be done about the odor, since that seems to be some people's biggest concern.

Darrell Hanson said that even if we had an odor standard that wouldn't necessarily solve the problem. The controversy wouldn't necessarily go away. Isn't it required that we write up standards?

Wayne Gieselman said that Senate File 2293 told us to do a study on livestock facilities and we are doing that.

Darrell Hanson said that the law states that we are not to enforce the ambient air standards for ammonia and hydrogen sulfide until when?

Wayne Gieselman said December 1, 2004.

Kathryn Murphy publically thanked Julie Tack for the Commissioner's handbook.

## **TOUR**

The tour of the John Deere Plant will begin at 10:00 tomorrow morning in the lobby.

**NEXT MEETING DATES**

June 16, 2003

July 21, 2003

August 18, 2003

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 3:05 p.m., Monday, May 19, 2003.

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Jeffrey R. Vonk, Director

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Kathryn Murphy, Chair

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Rita Venner, Secretary

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